

AMENDED IN SENATE JUNE 12, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1447

Introduced by Assembly Member Charles Calderon

February 23, 2007

An act to amend Section 25211.3 of, and to repeal and add Sections 25211.1 and ~~25211.2~~, 25211.2, and 25211.4 of, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1447, as amended, Charles Calderon. Hazardous waste: major appliances.

(1) Existing hazardous waste laws prohibit a person who is not a certified appliance recycler from removing materials that require special handling from major appliances, or transporting, delivering, or selling discarded major appliances to a scrap recycling facility, except as specified. A person who transports, delivers, or sells discarded major appliances to a scrap recycling facility is required to provide evidence that that person is a certified appliance recycler, but a person who is not a certified appliance recycler is allowed to transport, deliver, or sell a discarded major appliance to a scrap recycling facility under specified conditions. *A scrap recycling facility that accepts an appliance from a person who is not certified as an appliance recycler under specified conditions is required to submit an annual report to the department and the local certified unified program agency (CUPA) containing specified information. A person wishing to operate as a certified appliance recycler is also required to submit an application to the*

department containing specified information. A violation of the hazardous waste control laws is a crime.

This bill would revise those requirements to instead allow an appliance service technician to remove refrigerant from a major appliance. The bill would delete the provisions prohibiting the transportation, delivery, or sale of discarded major appliances by a person who is not a certified appliance recycler to a scrap recycling facility, and would allow a person who is not a certified appliance recycler to transport, deliver, or sell a discarded major appliance to a certified appliance recycler under revised conditions. ~~A scrap recycling facility that accepts more than one appliance in a 30-day period for any person would be required, within 14 days, to provide the Department of Toxic Substances Control and the local Certified Unified Program Agency with certain information. A scrap recycling facility accepting an appliance from a person who is not certified as an appliance recycler would be required to submit a monthly report to the department and the local CUPA. The bill would revise the application for certified appliance recycler to require the telephone number, the physical address and mailing address, if different, of the business, and a technical description of how each material requiring special handling will be removed and managed.~~ The bill would also make conforming changes.

By imposing new hazardous waste management requirements, the violation of which would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25211.1 of the Health and Safety Code
- 2 is repealed.
- 3 SEC. 2. Section 25211.1 is added to the Health and Safety
- 4 Code, to read:

1 25211.1. (a) Except as provided in subdivision (b), a person,
2 other than a certified appliance recycler, shall not remove materials
3 that require special handling from a major appliance.

4 (b) An appliance service technician certified pursuant to Section
5 82.161 of Title 40 of the Code of Federal Regulations may remove
6 refrigerant from major appliances.

7 SEC. 3. Section 25211.2 of the Health and Safety Code is
8 repealed.

9 SEC. 4. Section 25211.2 is added to the Health and Safety
10 Code, to read:

11 25211.2. (a) Except as provided in subdivision (b), a person
12 who transports, delivers, or sells discarded major appliances to a
13 scrap recycling facility shall provide evidence that he or she is a
14 certified appliance recycler and shall certify, on a form prepared
15 by the department and provided to the facility at the time of the
16 transaction, that all materials that require special handling have
17 been removed from the appliances pursuant to subdivision (a) of
18 Section 25212. Information on the form shall include, but not be
19 limited to, the appliance recycler certificate number, the appliance
20 recycler's hazardous waste generator identification number, the
21 number and types of appliances included in the shipment, and the
22 facilities to which the materials that require special handling and
23 that were removed from the appliances were sent or are to be sent.
24 *If the appliances have been crushed, baled, or shredded by the*
25 *certified appliance recycler, the requirement to include the number*
26 *and types of appliances included in the shipment on the form shall*
27 *not apply.*

28 (b) A person who is not a certified appliance recycler may
29 transport, deliver, or sell discarded major appliances to a scrap
30 recycling facility only if the scrap recycling facility is a certified
31 appliance recycler and only if either of the following conditions
32 specified is met:

33 (1) The appliances have not been crushed, baled, shredded,
34 sawed or sheared apart, or otherwise processed in such a manner
35 that could result in the release, or prevent the removal, of materials
36 that require special handling.

37 (2) The appliances have been crushed, baled, shredded, or sawed
38 or sheared apart, or otherwise processed in such a manner that
39 could result in the release, or prevent the removal, of materials

1 that require special handling, and that person does one of the
2 following:

3 (A) Provides the scrap recycling facility with a written
4 certification, at the time of the transaction, that identifies any
5 materials that require special handling that have been removed
6 from the appliance and certifies that all of these materials were
7 removed by a person authorized under Section 25211.1. The
8 certification shall include the appliance recycler or appliance
9 service technician certificate number, the appliance recycler or
10 appliance service technician's hazardous waste generator
11 identification number, the number and types of appliances included
12 in the shipment, and the facilities to which the materials that require
13 special handling that were removed from the appliances were sent
14 or are to be sent.

15 ~~(B) Provides the scrap recycling facility his or her name, address,~~

16 (B) *Presents a form of government issued identification and,*
17 *under penalty of perjury, provides the scrap recycling facility his*
18 *or her name, address, telephone number, and written certification*
19 *that he or she obtained the appliance in its current condition and*
20 *did not process the appliance or arrange to have it processed or*
21 *knowingly accept the appliance from any other person who*
22 *processed it or arranged to have it processed. That person shall*
23 *also provide the name and address of the person from whom the*
24 *appliance was obtained, or include in the written certification the*
25 *reason that the information is unavailable.*

26 (c) *Appliances delivered to a scrap recycling facility by a local*
27 *government representative that were generated as part of the local*
28 *government's waste management activities are exempt from*
29 *subdivision (b).*

30 ~~(e)~~

31 (d) A scrap recycling facility that accepts appliances pursuant
32 to subparagraph (B) of paragraph (2) of subdivision (b) shall
33 provide ~~an annual~~ *a monthly* report to the department and the local
34 CUPA that includes both of the following:

35 (1) For each appliance received by the scrap facility, the name
36 and address of the person who transported, delivered, or sold the
37 appliance to the scrap recycling facility.

38 (2) The total number of appliances received pursuant to the
39 conditions provided in subparagraph (B) of paragraph (2) of
40 subdivision (b).

1 ~~(d) A scrap recycling facility that accepts more than one~~
2 ~~appliance in a 30-day period from a person pursuant to~~
3 ~~subparagraph (B) of paragraph (2) of subdivision (b) shall, within~~
4 ~~14 days, provide the department and the local CUPA with the name~~
5 ~~and address of the person who transported, delivered, or sold the~~
6 ~~appliance to the facility.~~

7 SEC. 5. Section 25211.3 of the Health and Safety Code is
8 amended to read:

9 25211.3. A certified appliance recycler, and any person who
10 is not a certified appliance recycler who is subject to subdivision
11 (b) of Section 25211.2, shall retain onsite records demonstrating
12 compliance with applicable requirements of this article and Section
13 42175 of the Public Resources Code. The records shall be retained
14 for three years and shall be made available for inspection, upon
15 the request of a representative of the department or a CUPA. The
16 records shall be retained, after that three-year period, during the
17 course of an unresolved enforcement action or as requested by the
18 department or CUPA. The records shall include, but not be limited
19 to, all of the following information:

20 (a) The amount, by volume or weight or both of each material
21 that required special handling.

22 (b) The method used by the appliance recycler to recycle,
23 dispose of, or otherwise manage each material that required special
24 handling, including the name and address of the facility to which
25 each material was sent.

26 (c) The number and types of appliances from which materials
27 that require special handling are removed each year.

28 (d) The reports required pursuant to subdivision (c) of Section
29 25211.2.

30 SEC. 6. *Section 25211.4 of the Health and Safety Code is*
31 *repealed.*

32 ~~25211.4. (a) On and after July 1, 2005, a person wishing to~~
33 ~~operate as a certified appliance recycler shall submit an application~~
34 ~~to the department and obtain certification from the department~~
35 ~~pursuant to this section. On or before May 1, 2005, the department~~
36 ~~shall make available on its Web site an application for certification~~
37 ~~as a certified appliance recycler that includes all of the following:~~

38 ~~(1) The business name under which the appliance recycler~~
39 ~~operates, and the business owner's name, address, and telephone~~
40 ~~number.~~

1 ~~(2) A hazardous waste generator identification number issued~~
2 ~~by the department pursuant to this chapter.~~

3 ~~(3) A statement indicating that the applicant has either filed an~~
4 ~~application for a stormwater permit or is not required to obtain a~~
5 ~~stormwater permit.~~

6 ~~(4) A statement indicating that the applicant has either filed a~~
7 ~~hazardous materials business plan or is not required to file the~~
8 ~~plan.~~

9 ~~(5) The tax identification number assigned by the Franchise Tax~~
10 ~~Board.~~

11 ~~(6) A copy of a business license and any conditional use permits~~
12 ~~issues by the appropriate city or county.~~

13 ~~(7) A description of the ability of the applicant to properly~~
14 ~~remove and manage all materials that require special handling,~~
15 ~~including, but not limited to, a technical description of all~~
16 ~~equipment used in removing and managing the materials and the~~
17 ~~training provided to personnel engaged in the removal and~~
18 ~~managing of the materials.~~

19 ~~(8) Any other information that the department may determine~~
20 ~~to be necessary to carry out this article.~~

21 ~~(b) A person wishing to operate as a certified appliance recycler~~
22 ~~shall submit to the department, under penalty of perjury, the~~
23 ~~information required pursuant to subdivision (a). The department~~
24 ~~shall review the application for completeness and, upon~~
25 ~~determining that the application is complete and meets the~~
26 ~~requirements of this section, shall issue a numbered certificate to~~
27 ~~the applicant. The department shall notify an applicant whose~~
28 ~~application fails to meet the requirements for certification of the~~
29 ~~reason why the department denied the certification. The department~~
30 ~~may revoke or suspend a certification issued pursuant to this~~
31 ~~section, in accordance with the procedures specified in Sections~~
32 ~~25186.1 and 25186.2, for any of the grounds specified in Section~~
33 ~~25186.~~

34 ~~(c) The certificate issued by the department shall include the~~
35 ~~issuance date and the expiration date, which shall be three years~~
36 ~~after the issuance date. A person whose certification has expired,~~
37 ~~and who has not applied for and obtained a new current~~
38 ~~certification, is no longer a certified appliance recycler and may~~
39 ~~no longer operate as a certified appliance recycler.~~

1 ~~(d) Upon issuance of a certificate, the department shall transmit~~
2 ~~the application and certification of the certified appliance recycler~~
3 ~~to the certified uniform program agency in whose jurisdiction the~~
4 ~~person is located, which shall, as soon as is practicable, inspect~~
5 ~~the certified appliance recycling facility to determine whether the~~
6 ~~recycler is capable of properly removing and managing materials~~
7 ~~that require special handling from major appliances. In making~~
8 ~~the determination, the certified uniform program agency shall~~
9 ~~consider various factors, including, but not limited to, the working~~
10 ~~condition of equipment used to remove the materials, the technical~~
11 ~~ability of employees of the business to operate the equipment~~
12 ~~proficiently, and the facility's compliance with existing applicable~~
13 ~~laws.~~

14 *SEC. 7. Section 25211.4 is added to the Health and Safety*
15 *Code, to read:*

16 25211.4. (a) *On and after January 1, 2008, a person wishing*
17 *to operate as a certified appliance recycler, except a person having*
18 *a certification issued before January 1, 2008, until that certification*
19 *expires, shall submit an initial or a renewal application to the*
20 *department and obtain or renew certification from the department*
21 *pursuant to this section. The department shall make available on*
22 *its Internet Web site an application for certification as a certified*
23 *appliance recycler that requires all of the following:*

24 (1) *The business name under which the appliance recycler*
25 *operates, the telephone number, the physical address and mailing*
26 *address, if different, and the business owner's name, address, and*
27 *telephone number.*

28 (2) *A hazardous waste generator identification number issued*
29 *by the department pursuant to this chapter.*

30 (3) *A statement indicating that the applicant has either filed an*
31 *application for a stormwater permit or is not required to obtain*
32 *a stormwater permit.*

33 (4) *A statement indicating that the applicant has either filed a*
34 *hazardous materials business plan or is not required to file the*
35 *plan.*

36 (5) *The tax identification number assigned by the Franchise*
37 *Tax Board.*

38 (6) *A copy of a business license and any conditional use permits*
39 *issued by the appropriate city or county.*

1 (7) *A description of the ability of the applicant to properly*
2 *remove and manage all materials that require special handling,*
3 *including, but not limited to, a technical description of how each*
4 *material requiring special handling will be removed and a*
5 *description of how each material requiring special handling will*
6 *be managed by the applicant consistent with applicable laws.*

7 (8) *Any other information that the department may determine*
8 *to be necessary to carry out this article.*

9 (b) *A person wishing to operate as a certified appliance recycler*
10 *shall submit to the department, under penalty of perjury, the*
11 *information required pursuant to subdivision (a). The department*
12 *shall review the application for completeness and, upon*
13 *determining that the application is complete and meets the*
14 *requirements of this section, shall issue a numbered certificate to*
15 *the applicant. The department shall notify an applicant whose*
16 *application fails to meet the requirements for certification of the*
17 *reason why the department denied the certification. The department*
18 *may revoke or suspend a certification issued pursuant to this*
19 *section, in accordance with the procedures specified in Sections*
20 *25186.1 and 25186.2, for any of the grounds specified in Section*
21 *25186.*

22 (c) *The certificate issued by the department shall include the*
23 *issuance date and the expiration date, which shall be three years*
24 *after the issuance date. A person whose certification has expired,*
25 *and who has not applied for and obtained a new current*
26 *certification, is no longer a certified appliance recycler and may*
27 *no longer operate as a certified appliance recycler.*

28 (d) *Upon issuance of a certificate, the department shall transmit*
29 *the application and certification of the certified appliance recycler*
30 *to the certified uniform program agency in whose jurisdiction the*
31 *person is located, which shall, as soon as is practicable, inspect*
32 *the certified appliance recycling facility to determine whether the*
33 *recycler is capable of properly removing and managing materials*
34 *that require special handling from major appliances. In making*
35 *the determination, the certified uniform program agency shall*
36 *consider various factors, including, but not limited to, the working*
37 *condition of equipment used to remove the materials, the technical*
38 *ability of employees of the business to operate the equipment*
39 *proficiently, and the facility's compliance with existing applicable*
40 *laws.*

1 ~~SEC. 6.~~

2 *SEC. 8.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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